

(Approved August 21, 2003)

**BOARD OF BEHAVIORAL SCIENCES
FULL BOARD
MEETING MINUTES**

APRIL 25, 2003

**CROWNE PLAZA
282 ALMADEN BLVD
SAN JOSE, CA**

MEMBERS PRESENT

Karen Pines, MFT Member, Board Chair
Mark Burdick, LEP Member, Vice Chair
Robert Gerst, Public Member
Catherine Kay, Public Member
Peter Manoleas, LCSW Member
Roberto Quiroz, Public Member
Howard Stein, Public Member
Susan Ulevitch, LCSW Member

MEMBERS ABSENT

Glynis Morrow, Public Member
Jane Nathanson, MFT Member

STAFF PRESENT

Sherry Mehl, Executive Officer
Kristy Schieldge, Legal Counsel
Julie McAuliffe, Administrative Analyst

GUEST LIST ON FILE

The meeting was called to order at approximately 9:00 a.m.

1. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Ms. McAuliffe called the roll and a quorum was established.

2. APPROVAL OF MINUTES

HOWARD STEIN MOVED, ROBERTO QUIROZ SECONDED, AND THE BOARD CONCURRED TO APPROVE THE MINUTES OF FEBRUARY 20, 2003.

3. APPROVAL OF MINUTES

HOWARD STEIN MOVED, SUSAN ULEVITCH SECONDED, AND THE BOARD CONCURRED TO APPROVE THE MINUTES OF FEBRUARY 21, 2003 AS AMENDED.

4. EXECUTIVE OFFICER'S REPORT

a. Budget Update

Ms. Mehl stated that the Board has been asked to provide the Legislature and the Governor's office with a 10% work reduction plan. In order to comply with this plan, the Board will lose two positions and 1/3 of the examination proctors. There will not be any overtime or time base increases for staff. The Board has met the 5% spending reduction as mandated by the Governor and is trying to meet the 35% travel reduction as much as possible. Ms. Mehl suggested that the Board cancel the July meeting and reschedule a one-day meeting on August 21, 2003, in the Los Angeles area.

Mr. Quiroz asked if the staff reductions would affect the daily Board functions. Ms. Mehl explained that the critical functions of the Board, which include cashiering, enforcement, and applications evaluations, would continue to be performed. Board staff has a very good team approach and assists with functions as needed.

Ms. Mehl then indicated that the Spring/ Summer 2003 Newsletter would be mailed to licensees, registrants, and the Public Mailing List in May.

b. Miscellaneous Matters

1. Website Statistics

The most current statistics were included in the meeting materials.

5. CHAIRPERSON'S REPORT

Ms. Pines stated that she has invited school representatives and students to attend our meetings and indicated that the Board is in need of greater exposure. Ms. Ulevitch suggested that a letter from the Board chair indicating the importance of attending Board meetings be included in the next newsletter. Dr. Stein suggested that the Board provide posters with Board information to schools for inclusion on their bulletin boards as well as advertise in the public notice section of newspapers. Mr. Manoleas suggested that we provide a fuller description of the agenda items. Mr. Quiroz suggested that a Board member or Ms. Mehl and staff attend meetings hosted by different professional entities to share Board meeting information.

Jan Lee Wong, Executive Director of the National Association of Social Workers (NASW), indicated that he provides detailed information on our Board meeting discussions in the NASW News and thanked Ms. Mehl and Ms. McAuliffe for their collaborative efforts in ensuring that the information provided to licensees is accurate. He suggested that an article outlining the committee functions and important issues discussed be provided on our website as well as the newsletter and professional association publications.

Mr. Fox stated that his opinion was that the agenda was not user friendly. He suggested that a summary about the agenda items be provided on the website before the meeting and recommended that the Board survey people on the website to determine current concerns.

Dr. Stein asked that this issue be discussed again at the August meeting.

6. REPORT ON CALIFORNIA ASSOCIATION OF SCHOOL PSYCHOLOGISTS MEETING

Dr. Burdick stated that he attended a California Association of School Psychologists (CASP) meeting in January in Sacramento and again in March in Southern California. At the March meeting there was a panel presentation regarding the scope of practice of a Licensed Educational Psychologist (LEP).

Letters addressed to the Board have been written expressing concerns about unlicensed individuals performing these services that have been identified by the Legislature as those that require a license. Ms. Mehl stated that the Board has recently become aware of individuals who obtain a certificate as an educational psychologist and perform some of the services that fall within the scope of practice as an LEP. Ms. Mehl researched this issue at length and determined that there is a professional association for these individuals as well as schools that provide this certification. The Board is very concerned that these individuals are practicing in this fashion without the prerequisite license. Robert Gerst suggested that the Board obtain a legal or attorney general opinion on the issue. Ms. Mehl suggested that the Board seek the assistance of a legislator to request his opinion. Ms. Mehl explained that this profession seems to be well established and some of these individuals have been practicing for years. Also, the Board has received two third party complaints against educational therapists.

Ms. Kay asked that the Board be provided with the legislative history on LEPs. Ms. Mehl then stated that the LEP law is very vague and is left up to interpretation so there is a need for the Board to review existing law and initiate changes. Board staff will provide the existing law at the November meeting for review and amendments.

Lin Cerles, Licensed Educational Psychologist, provided the Board with an overview of her professional experiences and examples of incidents in which certified educational therapists, educational consultants, or learning disability specialists have provided misdiagnoses and the harm that has happened. The fees charged are similar to those charged by an LEP and there is no oversight of these individuals. She then indicated that the general public does not know to ask an individual who apparently has the qualifications if they are licensed and she thanked the Board for addressing this issue. Ms. Mehl asked that CASP include information on filing a complaint on their website and publications. Dr. Burdick indicated that the complaint reference information has already been addressed by CASP.

7. DISCUSSION AND REVIEW OF THE LICENSED EDUCATIONAL PSYCHOLOGIST SCOPE OF PRACTICE

This issue was discussed in the previous agenda item.

8. 2003 LEGISLATION THAT IMPACTS THE BOARD

Ms. Mehl provided the Board with an overview of legislation that would impact the Board.

Assembly Bill 445, legislation to enact title protection for the term “social worker” had previously been discussed and supported by the Board. Ms. Mehl discussed an issue in the bill that relates to the candidacy process of schools and notification to potential students. Mr. Wong ensured the Board that he would address this issue with all persons involved with this legislation.

Ms. Riemersma, Executive Director of the California Association of Marriage and Family Therapists, indicated that the Association had received strong opposition to Assembly Bill 652. This legislation elaborated on the scope of practice for Marriage and Family Therapists. The bill has been gutted and now includes an amendment to allow an intern to apply hours of experience gained under more than one registration.

CATHY KAY MOVED, MARK BURDICK SECONDED, AND THE BOARD CONCURRED TO SUPPORT ASSEMBLY BILL 652. BOARD MEMBER SUSAN ULEVITCH ABSTAINED.

Ms. Mehl then explained Assembly Bill 938. This legislation would enact the Licensed Mental Health Service Provider Education Fund. The Board would charge a \$10.00 assessment to license renewals for marriage and family therapists and licensed clinical social workers to assist in funding grants to licensed mental health professionals that agree in writing prior to graduation to serve in specified underserved areas.

PETER MANOLEAS MOVED, SUSAN ULEVITCH SECONDED, AND THE BOARD CONCURRED TO SUPPORT ASSEMBLY BILL 938 IF AMENDED TO REDUCE THE ASSESSMENT TO \$5.00, SEPARATE OUT THE FUNDS FOR EACH LICENSE TYPE INTO SEPARATE ACCOUNTS WITHIN THE FUND, AND HAVE A BOARD MEMBER BE A MEMBER OF THE GROUP THAT IDENTIFIES PREREQUISITES FOR THOSE WHO RECEIVE THE GRANTS.

Ms. Mehl then indicated that Assembly Bill 940 would require that licensees complete a continuing education course approved by the Board in posttraumatic stress disorder.

SUSAN ULEVITCH MOVED, MARK BURDICK SECONDED, AND THE BOARD CONCURRED TO NOT SUPPORT ASSEMBLY BILL 940.

Ms. Mehl then provided an overview of Assembly Bill 1100, legislation that would enact the Alcohol and Drug Abuse Counselor Licensing Law and would require the Board to regulate, register, and license alcohol and drug abuse counselors.

SUSAN ULEVITCH MOVED, CATHERINE KAY SECONDED, AND THE BOARD CONCURRED TO OPPOSE AB 1100. BOARD MEMBER HOWARD STEIN ABSTAINED.

9. APPROVE / NOT APPROVE COMMITTEE RECOMMENDATIONS

a. Licensing Committee

The Committee approved the minutes and did not have any new business.

b. Examination Committee

Ms. Pines stated that the Committee approved their minutes and reviewed the current examination statistics.

c. Ad Hoc Committee

Ms. Kay indicated that the Committee approved their minutes and further discussed revisions to the Disciplinary Guidelines. These revisions will come back to the Committee at the August meeting.

d. Consumer Services/Consumer Protection Committee

Dr. Stein indicated that the Committee approved their minutes and reviewed the Enforcement statistics.

e. Education Committee

Dr. Burdick stated that the Committee approved their minutes and he provided a report on the Northern California Consortium Meeting. Committee member Peter Manoleas had asked that the issue of Marriage and Family Therapist pre degree experience and review of forms associated with the experience be reviewed and discussed at the August meeting.

10. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

David Fox, Licensed Marriage and Family Therapist, asked that the issue of enforcement violations, such as legal and ethical violations, in relation to written examination questions be placed on an agenda in the future. He then indicated that he is concerned with the cutbacks mandated by the Governor and stated that the Board is not part of the General Fund and should not be part of these cutbacks. He then asked that the cutbacks be published.

Clyde Horn, Licensed Marriage and Family Therapist, indicated that he has worked in the mental health field for twenty years and has also been an examiner of the Board. He explained that county government is in a crisis due to extreme funding cuts. There are various tasks that are mandated and the funds have been cut to perform these functions. He indicated that the Legislature needs to be aware of these serious impacts to the children of the state due to these cutbacks. Ms. Pines asked that Mr. Horn provide further information to the Board and they will then determine if they will take a vote on the legislation that relates to the cutbacks.

Stan Williams, program manager for Santa Clara County East Valley Mental Health, stated that his issue relates to the process of the oral examination. He has had to terminate employees who have not passed the examination. Ms. Pines stated that the issue of the possibility of eliminating the oral examination will be discussed at the November Board meeting.

HOWARD STEIN MOVED, ROBERTO QUIROZ SECONDED, AND THE BOARD CONCURRED TO ADJOURN THE MEETING.

The meeting adjourned at approximately 10:50 a.m.